

REMARKS

As a preliminary matter, Applicants thank the Examiner for the allowance of claims 13 and 14.

As a second preliminary matter, a new Abstract has again been submitted for entry. Applicants submit that the replacement Abstract submitted in the previous response complied with the rules, and that the Examiner did not indicate in what way the previous replacement Abstract did not comply with the rules. Nevertheless, the Abstract is again resubmitted under an alternative format acceptable under 37 C.F.R. 1.121. Entry is therefore once again respectfully requested.

As a third preliminary matter, claim 16 stands objected to for informalities. The Examiner has correctly noted a typographical error in the claim, which has been corrected herein.

Claims 9-12 again stand rejected under 35 U.S.C. 102(b) as being anticipated by Farchmin et al. (U.S. 5,567,042). Applicants again respectfully traverse this rejection for at least the reasons of record, and as follows. A *prima facie* case of anticipation has not been established against the present invention, the claims have not been interpreted in light of the present Specification, and unsuitable extrinsic evidence has been improperly relied upon to reject the claims.

Because this rejection is merely a repeat of the previous rejection, Applicants incorporate by reference herein those arguments previously submitted on pages 6 through 11 of Amendment B, filed December 21, 2005. Applicants respectfully request that the Examiner reconsider those arguments and withdraw this Section 102 rejection. The Examiner's reliance

on a dictionary does not answer the meritorious arguments previously submitted. The extrinsic evidence from the dictionary contradicts the intrinsic teachings of the present Specification, as well as those in the prior art cited by the Examiner. Furthermore, the dictionary reference relied upon by the Examiner does not support the Examiner's assertions against the cited claim terms of the present invention.

Applicants have already pointed out to the Examiner the well-established principle of patent law that requires the claims to be interpreted in light of their Specification. The Examiner has not disputed that the present Specification explicitly differentiates between a diffuser and an optical waveguide as being different elements, the meanings of which are not interchangeable. The Examiner also does not dispute that the cited Okahira reference (JP 09-282918) expressly teaches that the diffusion plate (36) is different than the light guide plate (32). In other words, both the present Specification and at least one of the cited references teach that it is known in this field of art that optical waveguides or light guides are not the same as diffusers.

Nothing in the cited Farchmin reference contradicts these clear teachings in the present Specification and the field of art. The correct standard that the Examiner is required to follow is that the claims of the present invention must be interpreted according to what one skilled in the particular field of art would understand when reading the claims in light of the present Specification. According to all of the intrinsic evidence of record therefore, one skilled in the art would clearly understand that a diffuser is not an optical waveguide.

The Examiner's reliance on only the dictionary to refute these arguments fails to establish what one skilled in the art would understand. The Federal Circuit has expressly

noted that extrinsic evidence, such as a dictionary, is not written by or for skilled artisans, and it can create a problem of focusing the Examiner's inquiry on an abstract meaning of claim words, rather than on the meaning of the claimed terms within the context of the patent. See Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005), and *en banc*. In other words, dictionaries may not be elevated to supercede the clear description in the present Specification or the evidence of what is clearly understood in the field of art. Accordingly, the Section 102 rejection is deficient because it does not teach all of the limitations of the present invention, and because the Examiner has applied in incorrect standard of interpretation to assert that the Farchmin reference teaches "an optical waveguide."

Irrespective of the Federal Circuit's unambiguous holding regarding the use of dictionaries in Phillips, the Examiner's reliance on the dictionary definition of "waveguide" is still irrelevant to the diffuser in the Farchmin reference. The cited dictionary definition requires that waveguides operate to "confine and direct" the light of particular wavelengths. Diffusers, on the other hand, are known not to function in this way. The very dictionary cited by the Examiner defines a "diffuser" as being the opposite of a waveguide. Diffusers are not defined to "confine" or "direct" light propagation, but instead to "extend," and "scatter" the light, or "for distributing the light of a lamp evenly." In other words, the Examiner's own source dictionary expressly contradicts the Examiner's attempt to define waveguides to include diffusers. Waveguides confine and direct light, whereas diffusers are defined to scatter, extend, and spread light out. Accordingly, even the Examiner's extrinsic evidence clearly demonstrates that waveguides and diffusers are not the same, and their terms are not interchangeable.

Additionally, the Examiner mischaracterizes the Farchmin reference itself. The Examiner incorrectly asserts that Farchmin's light acrylic diffuser plate 19 is described to "refract," "confine," and "guide" the light transmitted by the backlight unit 22. Farchmin, however, does not characterize its diffuser in any such way. Farchmin merely teaches that its diffuser operates to "diffuse" the light transmitted "so as to enhance the uniformity." Farchmin makes no reference to any refraction, confinement, or guiding of the light from the diffuser plate 19. The Examiner cites to no actual teaching (or suggestion) from the reference that supports all of these additional characteristics the Examiner asserts to belong to Farchmin's diffuser. The Examiner's own extrinsic evidence even contradicts this added interpretation. Accordingly, because the attributes the Examiner adds to Farchmin's diffuser 19 are not actually taught by the reference itself, the *prima facie* case of anticipation is still further deficient on its face for at least these reasons as well and should be withdrawn.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuki (JP 10-091079) in view of Okahira. Amended claim 15 recites a cold-cathode tube with a phosphor dispersed inside a wall of the tube. This feature is supported by Fig. 10 and page 55, line 19 to page 56, line 3 of the present Specification.

However, Kazuki and Okahira fail to disclose or suggest the feature of amended claim 15. Therefore, the rejection of claim 15 should be withdrawn.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuki in view of Suzawa (U.S. 4,487,481) and further in view of Okahira. Applicants respectfully traverse this rejection also for at least the reasons of record, and as follows. A *prima facie* case of obviousness has not been established against claim 16, and the Examiner's

additional citation to Suzawa fails to make up for the deficiencies of the other two cited references, deficiencies which the Examiner has still not answered.

In her “Response to Arguments,” the Examiner incorrectly states that “Applicant argues that the claim is allowable because the reflector is not on the inner surface of the housing in Okahira.” Applicants, however, did not make this argument. Instead, Applicants actually argued that none of the references, whether taken alone or together, teach or suggest that a heating element is located on the same inner surface of the housing as the reflector. The Examiner does not appear to have even considered this argument.

Claim 16 of the present invention clearly recites that both the reflector and the heating element of the present invention are formed on the same inner surface of the housing for the lighting unit. Okahira by itself, however, directly teaches away from these features of the claim. The Examiner asserts that the reflector of the present invention is disclosed in the Kazuki reference, but the Examiner ignores the fact that Okahira also teaches a reflector (41), but Okahira clearly illustrates that the lamp 46 is not on the same inner surface of the housing 42 as the reflector 41. Okahira clearly teaches that the lamp 46 is provided only on the inner surface of the valve cover 44, and not the lamp cover 42 that houses the reflective film 41 on its inner surface.

The Examiner nevertheless asserts that the addition of Kazuki can somehow overcome the fact that Okahira directly teaches away from the present invention. Kazuki, however, does not support this assertion by the Examiner. Kazuki does not show any heating element at all. Although Kazuki does show a reflector 2 on the interior of the lamp cover 3a, Kazuki’s lamp cover 3a is almost identical to Okahira’s lamp cover 42 with respect to the

placement of a reflector on the inner surface of the cover. Therefore, with respect to the location of the reflector on the inner surface of the housing, Kazuki provides no additional teaching or suggestion that is not already entirely present in the Okahira reference. As discussed above though, Okahira clearly illustrates that the lamp and the reflector are not provided on the same inner surface of any single housing portion.

The Examiner cites Suzawa merely for its disclosure of a thermistor used as a temperature sensor. Suzawa, however, teaches or suggests nothing regarding a heating element and reflector located on an inner surface of a lamp housing, and therefore the additional citation to Suzawa fails to resolve the clear deficiencies in the base Kazuki and Okahira references together. Accordingly, the outstanding rejection of claim 16 should also be withdrawn.

For all of the foregoing reasons, Applicants submit that this Application, including claims 9-14 and 16, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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June 5, 2006

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